

FORTY-SIXTH DAY

(Continued)

(Tuesday, April 4, 1933)

The House met at 9 o'clock a. m., and was called to order by Speaker Stevenson.

HOUSE BILL NO. 213 ON PASSAGE TO ENGROSSMENT

The Speaker laid before the House, as unfinished business, on its passage to engrossment,

H. B. No. 213, A bill to be entitled "An Act providing that the administrative control of the State of Texas over all matters pertaining to the production, transportation by pipe line, and storage of crude oil petroleum, and the production, transportation, and regulation of rates and charges for distributing, buying, selling, and delivering natural gas be vested in the Natural Resource Commission of the State of Texas; creating said Natural Resource Commission of the State of Texas to consist of three persons, etc., and declaring an emergency";

The bill having heretofore been read second time, with amendment by Mr. Barron, and amendment by Mr. Burns to the amendment, pending.

Mr. West raised a point of order on further consideration of the pending amendments, on the ground that the amendments are not germane to the bill.

The Speaker sustained the point of order.

Mr. Vaughan offered the following amendment to the bill:

Amend House Bill No. 213 by adding, on page 6 of the printed bill, between lines 8 and 9, a new Section to be numbered 16-a, as follows:

"Section 16-a. That Article 7071, of Chapter 2, of Title 122, of the Revised Civil Statutes of Texas, 1925, be so amended as to be and read as follows:

"1. Definitions. The following words and terms, when used in this Article, shall have the following meanings:

"'Allowable' means the quantity of oil permitted to be produced by a single oil well per day, whether by order

of the Railroad or other Commission, or the final order of a court of competent jurisdiction.

"'Barrel' means forty-two gallons.

"'Comptroller' means the State Comptroller of Public Accounts for Texas.

"'Day' means twenty-four consecutive hours.

"'Carrier' means pipe line, railroad company, motor truck tanks, and every other means of receiving and transporting oil.

"'Meter' means a suitable apparatus for measuring the quantity of oil maintained in good working order.

"'Month' means a calendar month.

"'Oil' means any mineral oil produced from the earth.

"'Oil well' means any well from which oil is produced, whether by flow or artificial stimulus.

"'Overproduction' means production above the quantity of oil herein defined as allowable.

"'Owner' means the person having title, whether a natural or artificial person, and whether one or more.

"'Person' means either a natural or artificial person, and includes a joint owner, partner, association, common law trust, corporation, and every other legal entity recognized by law.

"'Pipe line' means corporation, co-partnership, person, persons, or association of persons whatsoever operating a pipe line or conduit for the transportation of oil.

"2. Each person owning, controlling, managing, operating, or leasing in this State any oil well, and each person who produces in any other manner any oil by taking it from the earth in this State, shall make a written report of the number of wells so owned, controlled, managed, operated, or leased by him, which report shall show the quantity of oil produced from each well so reported, the dates upon which same was produced, the carrier, refinery, or other concern to whom same was delivered, and the place where stored, if the same be stored, which said report shall be subscribed and sworn to by such owner before an officer competent to administer oaths, and which said report

shall cover the period of the preceding calendar month, and shall be forthwith filed with the Comptroller. Each such person so reporting shall at the same time pay to the Comptroller of this State an occupation tax for the preceding calendar month of two cents per barrel per day on the first one hundred and fifty (150) barrels; on the next one hundred (100) barrels, or any part thereof, he shall pay five cents per barrel per day; on all oil produced in excess of the last-mentioned quantity production of one hundred barrels, he shall pay, per barrel per day, the sum of twenty-five cents. This authority shall not take away the authority of the Commission to reduce same to prevent waste under authority of the proration laws of the State.

"3. Any owner who is required by the terms of this Article to make a report, and who shall knowingly fail to make such report, or shall, having made such report, falsely make any material statement therein, or shall knowingly fail to state any matter required to be stated by the terms of this Act, shall be guilty of an offense, and upon conviction thereof, in any court of competent jurisdiction, shall be punished by fine in any sum not to exceed one thousand dollars (\$1,000), or by imprisonment in the county jail for a time not to exceed twelve months, or by both such fine and imprisonment, but no such criminal proceeding shall in any manner release the liability of such owner for the payment of any taxes that may be due.

"4. Every pipe line operating in this State, shall keep a record of production of each oil well connected with its line, showing the amount of oil produced daily therefrom, and the date when the same was produced and delivered to it, and likewise describing the lease from which such oil was produced, and it shall be the duty of such pipe line so receiving oil and in making payment therefor to the owner or owners to withhold and collect the tax in accordance with the schedule herein provided by dividing the number of wells into the total production, and to pay the same to the Comptroller not later than the tenth day of each month for the amount due for oil received by it during the preceding month.

"5. Any pipe line incorporated under the laws of this State, which shall fail to make any report, or shall fail to pay to the Comptroller any sum or sums of money, herein required, shall be subject to a penalty of one thousand dollars (\$1,000) per day, from and after such failure, the same to be recovered by the State in any court of competent jurisdiction, and such company further shall be subject to a forfeiture of its charter, in a suit to be instituted in Travis County, Texas, by the Attorney General.

"It shall further be the duty of each pipe line receiving oil from any owner in this State to have and maintain a proper meter in good working condition to show the quantity of oil received by it for transportation, and to whom transported and delivered, and such meter, as well as all records and reports required by this Act to be kept, shall at all times be subject to inspection by representatives named by the commission or other tribunal having jurisdiction thereof.

"6. Any and all railway companies in this State receiving and transporting oil in this State shall keep a record of all oil received for transportation, giving the date of such receipt, the quantity in barrels, the place received, and the person from whom the same was received, and it shall not be lawful for such railway company to transport any such oil until the tax hereinabove provided for has been paid to said railway company for the use and benefit of the State, and the record herein provided for shall state the amount of such tax and the fact of payment.

"Such railway company shall forthwith remit such tax to the Comptroller, along with a sworn copy of the record of the preceding month herein provided for, not later than the tenth day of the month succeeding the month within which such oil was so received for transportation.

"Any railway company which receives from any person or owner producing oil, any oil for transportation, and fails to make the record thereof, as herein provided for, or which fails to collect and/or to pay to the Comptroller the amount of taxes upon such oil as herein provided for, within the time herein provided for, or which fails to make to the Comptroller the

report within the time herein provided for, shall be liable to the payment to the State of Texas of a penalty in the sum of one thousand dollars (\$1,000) per day, thereafter, in addition to the amount of taxes due upon any oil received by it, and upon which the taxes have not been paid, same to be recovered on behalf of the State in any court of competent jurisdiction.

"7. The owner of each and every motor truck tank receiving oil from any owner or producer for transportation in this State shall keep a record of all such oil so received, showing the date when received, the quantity received, the person or owner from whom the same was received, and the place to which and the person to whom such oil was transported. Not later than the tenth day of the succeeding calendar month, such owner of such motor truck tank shall report in writing to the Comptroller a statement showing a transcript of his oil receipts record, as above provided for, which such report shall be signed and sworn to by such tank owner before an officer authorized to administer oaths. Any owner or operator of any motor truck tank receiving oil from any producer for transportation in this State, who shall fail to keep the record hereinabove provided for, or who shall fail to make any monthly report as to such oil receipts hereinabove provided for, shall be deemed guilty of a misdemeanor, and, upon conviction therefor, shall be fined in any sum not exceeding one thousand dollars (\$1,000), or may be imprisoned in the county jail for a time not to exceed twelve (12) months, or by both such fine and imprisonment.

"8. Each and every person, firm, corporation, or partnership owning and operating a refinery in this State and who shall also own a pipe line or pipe lines through which oil is transported from a well or wells to such refinery shall, not later than the tenth day of each succeeding calendar month, report in writing to the Comptroller a statement showing a transcript of all the oil receipts and the date of such receipt and the name and address of the person, firm, or corporation from whom received, and shall collect the tax as herein provided from such person or persons

from whom such oil is received, and remit same with said report to the State Comptroller; and said report shall be signed and sworn to by the owner of such refinery before an officer authorized to administer oaths. Any owner or operator of any refinery who shall fail to file said report as herein required, or who shall fail to remit the tax as herein required, or who shall make a false statement as to any material fact in said report, shall be guilty of misdemeanor and, upon conviction, shall be fined not less than five hundred dollars or may be imprisoned in the county jail for a term not to exceed twelve months, or by both such fine and imprisonment; and in addition to the punishment hereabove prescribed, should such refinery be operating as a corporation, then for the violation of this Section its charter may be forfeited by the State of Texas.

"9. Each and every person appointed by the Commission and holding the certificate of the Commission authorizing such appointee to inspect oil wells, oil leases, pipe lines, railroad cars, or tanks shall have the right of free access to such leases, premises, wells, pipe lines, railroad cars, or tanks, and to motor truck tanks at any and all times for the purpose of inspection with respect to the production and transportation of oil. Any person or owner producing oil in this State who shall by objection, interference, or otherwise prevent any such person so appointed by the Commission from the free right of access to any lease or premises or well where oil is produced, or who shall in any manner interfere with such representative's examination of any such leases, premises, or well to ascertain the quantity and time of production of oil, shall be guilty of a misdemeanor, and, upon conviction therefor, shall be subject to a fine of not exceeding five hundred dollars (\$500) or by imprisonment in the county jail not exceeding six months or by both such fine and imprisonment.

"10. Every owner or person producing oil in this State, and reporting the same to the Comptroller, and charged by this law with the duty of paying taxes to the Comptroller, shall be entitled to credit for all taxes paid

by any carrier on account of oil produced by him, and reported by him, and such payments so made by any carrier on his account may be deducted from the amount of taxes shown to be due and payable under such report, in so far as such payments by any carrier are on account of oil production for the preceding calendar months.

"11. That the taxes herein provided for, when paid, shall be, and hereby are, allocated as follows, to wit: One-fourth ($\frac{1}{4}$) of said taxes, when and as received by the Comptroller, shall be paid to the State Treasurer of Texas and be placed to the credit of the Public Free School Fund, and three-fourths ($\frac{3}{4}$) of such taxes, when and as received by the Comptroller, shall be paid to the State Treasurer, to be placed to the credit of the General Fund of the State.

"12. It shall be the duty of the Comptroller to prepare and furnish to all owners and carriers in this State, upon request, printed forms for the reports and remittances herein required.

"13. The remedies herein provided shall be cumulative of all other remedies now provided by law, but all laws and parts of laws in conflict herewith are hereby repealed."

VAUGHAN,
McGREGOR.

Mr. Hester offered the following amendment to the amendment:

Amend amendment by providing for Section 16-a, to House Bill No. 213, by striking out the words and figures "one-fourth ($\frac{1}{4}$)," in line 2, of subdivision 11, and inserting in lieu thereof the words and figures "one-half ($\frac{1}{2}$)," and by striking out the words and figures "three-fourths ($\frac{3}{4}$)" in line 5 of subdivision 11, and inserting in lieu thereof the words and figures "one-half ($\frac{1}{2}$)."

HESTER,
DUNAGAN,
TENNYSON.

The amendment by Mr. Hester was adopted.

Mr. Wagstaff offered the following amendment to the amendment:

Amend the amendment to House Bill No. 213 by striking out, in line 22, the words "two cents per barrel," and insert in lieu thereof the words: "three per cent of the value of each," and by striking out, in line 23, the figures "100," and insert in lieu thereof the figures "150," and by striking out, in line 26, the figures and word "25 cents," and inserting in lieu thereof the figures and word "10 cents."

WAGSTAFF,
METCALFE.

On motion of Mr. Vaughan, the amendment by Mr. Wagstaff was tabled.

Mr. Vaughan offered the following amendment to the amendment.

Amend the amendment to House Bill No. 213, page 2, Section 2, line 15, by striking out the figures and word "150 barrels," and inserting in lieu thereof "40 barrels," and changing the figures and word "100 barrels," and inserting in lieu thereof "60 barrels," and by striking out the figures and word "25 cents," and inserting in lieu thereof "20 cents."

Mr. Van Zandt offered the following substitute for the amendment by Mr. Vaughan:

Amend pending amendment to House Bill No. 213 by striking out the words and figures "one hundred and fifty (150)" in Section 2 thereof, and substitute in lieu thereof the word and figures "forty (40)," and by striking out the words and figures "one hundred (100)," wherever they appear in such Section, and substitute in lieu thereof the word and figures "fifty (50)," and by changing the word "twenty-five" in said Section, and substituting in lieu thereof the word "twenty."

Mr. McKee moved to table the substitute amendment.

The motion to table was lost by the following vote:

Yeas—59

Aikin.	Cathey.
Alexander.	Devall.
Barron.	Dunlap.
Beck.	Dunagan.
Bradley.	Dwyer.
Calvert.	Ford.
Canon.	Fuchs.

Golson.	Merritt.
Good.	Moore.
Haag.	Morse.
Harris.	Patterson.
Harrison.	Pavlica.
Head.	Ratliff.
Hester.	Reader.
Hicks.	Reed of Dallas.
Hill of Brazoria.	Renfro.
Hodges.	Riddle.
Holekamp.	Roberts.
Holloway.	Ross.
Hoskins.	Scott.
Hyder.	Shannon.
Jones of Atascosa.	Smith.
Kayton.	Steward.
Kyle of Palo Pinto.	Sullivant.
Latham.	Tennyson.
Long.	Tillery.
Mathis.	Wagstaff.
McCullough.	Weinert.
McDougald.	Wells.
McGregor.	

Nays—64

Adamson.	Kyle of Hays.
Alsup.	Laird.
Anderson	Leonard.
of Johnson.	Lindsey.
Baker.	Lotief.
Barrett.	Mackay.
Bedford.	Magee.
Bourne.	Metcalfe.
Burns.	Mitcham.
Butler.	Morrison.
Camp.	Palmer.
Caven.	Parkhouse.
Chastain.	Pope.
Colson.	Puryear.
Cowley.	Ramsey.
Daniel.	Reed of Bowie.
Davidson.	Rogers of Hunt.
Dean.	Rogers
Engelhard.	of Ochiltree.
Fain.	Rollins.
Few.	Savage.
Fisher.	Scarborough.
Glass.	Shults.
Goodman.	Stanfield.
Greathouse.	Stinson.
Hankamer.	Stovall.
Hartzog.	Tarwater.
Hill of Webb.	Thomas.
Huddleston.	Van Zandt.
Hunt.	Vaughan.
Jackson.	Walker.
James.	Wood.
Jefferson.	Young.

Present—Not Voting

Turlington.	Winningham.
Absent	
Coombes.	Crossley.

Duvall.	Lemens.
Graves.	McClain.
Holland.	McKee.
Hughes.	Munson.
Johnson	Nicholson.
of Anderson.	Ray.
Jones of Runnels.	Townsend.
Jones of Shelby.	West.

Absent—Excused

Anderson	Johnson
of Bexar.	of Dimmit.
Clayton.	Moffett.
Griffith.	Russell.
Harman.	

Mr. Kayton moved the previous question on the pending amendments and the bill, and the motion was not seconded.

Mr. Wagstaff raised a point of order on the amendment, by Mr. Vaughan, to the amendment, and also the substitute amendment by Mr. Van Zandt, on the ground that the amendments are not germane.

(Pending consideration of the point of order by Mr. Wagstaff, Mr. Rogers of Hunt occupied the Chair temporarily.)

(Speaker in the Chair.)

The Speaker overruled the point of order by Mr. Wagstaff.

Question recurring on the substitute amendment by Mr. Van Zandt, it was lost.

Mr. Vaughan moved to reconsider the vote by which the substitute amendment was lost.

Mr. Mathis moved to table the motion to reconsider.

Question recurring on the motion to table, yeas and nays were demanded.

Motion to table was lost by the following vote:

Yeas—58

Aikin.	Griffith.
Alexander.	Harman.
Barron.	Hartzog.
Calvert.	Hill of Brazoria.
Cathey.	Hill of Webb.
Colson.	Holekamp.
Coombes.	Holland.
Dunlap.	Holloway.
Dunagan.	Hunt.
Dwyer.	Hyder.
Good.	Jefferson.

Kayton.	Pavlica.
Kyle of Palo Pinto.	Pope.
Laird.	Ramsey.
Latham.	Ratliff.
Leonard.	Reader.
Long.	Reed of Dallas.
Lotief.	Roberts.
Mathis.	Savage.
McClain.	Shannon.
McCullough.	Smith.
McDougald.	Stanfield.
McGregor.	Stinson.
McKee.	Tennyson.
Moore.	Turlington.
Morse.	Wagstaff.
Munson.	Walker.
Nicholson.	Weinert.
Parkhouse.	Wood.

Nays—71

Adamson.	Hoskins.
Alsup.	Hughes.
Anderson	James.
of Johnson.	Jones of Atascosa.
Baker.	Jones of Runnels.
Barrett.	Jones of Shelby.
Beck.	Kyle of Hays.
Bedford.	Lemens.
Bourne.	Lindsey.
Bradley.	Mackay.
Burns.	Magee.
Butler.	Metcalfe.
Camp.	Morrison.
Canon.	Palmer.
Caven.	Puryear.
Chastain.	Ray.
Cowley.	Reed of Bowie.
Crossley.	Rogers of Hunt.
Daniel.	Rogers
Davidson.	of Ochiltree.
Dean.	Rollins.
Devall.	Scarborough.
Engelhard.	Scott.
Fain.	Shults.
Few.	Steward.
Fisher.	Stovall.
Fuchs.	Sullivant.
Glass.	Tarwater.
Golson.	Thomas.
Goodman.	Tillery.
Greathouse.	Townsend.
Haag.	Van Zandt.
Hankamer.	Vaughan.
Harrison.	Wells.
Head.	Winningham.
Hicks.	Young.
Hodges.	

Absent

Duvall.	Johnson
Ford.	of Anderson.
Graves.	Merritt.
Harris.	Mitcham.
Hester.	Patterson.
Huddleston.	Renfro.
Jackson.	Riddle.

Ross.	West.
-------	-------

Absent—Excused

Anderson	Johnson
of Bexar.	of Dimmit.
Clayton.	Moffett.
	Russell.

Question then recurring on the motion to reconsider, it was lost.

MESSAGE FROM THE SENATE

Senate Chamber,
Austin, Texas, April 4, 1933.

Hon. Coke Stevenson, Speaker of the
House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has refused to concur in the House amendments to Senate Bill No. 262, and requests the appointment of a conference committee.

The following have been appointed on the part of the Senate: Senators Oneal, Collie, Poage, Regan, and Duggan.

Respectfully,

BOB BARKER,
Secretary of the Senate.

CONFERENCE COMMITTEE ON
SENATE BILL NO. 262

On motion of Mr. Moffett, the House granted the request of the Senate for the appointment of a conference committee on Senate Bill No. 262.

In accordance with the above action, the Speaker announced the appointment of the following conference committee on the part of the House: Messrs. Leonard, Jones of Atascosa, Moffett, Metcalfe, and Pope.

HOUSE BILL ON FIRST READING

Mr. Moore moved that the following bill be laid before the House, read first time, and referred to the appropriate committee.

The motion prevailed by the following vote:

Yeas—119

Aikin.	Baker.
Alexander.	Barrett.
Alsup.	Barron.
Anderson	Beck.
of Johnson.	Bedford.

Burns.	Lemens.
Camp.	Leonard.
Canon.	Lindsey.
Cathey.	Long.
Chastain.	Lotief.
Clayton.	Magee.
Colson.	Mackay.
Cowley.	Mathis.
Crossley.	McClain.
Daniel.	McCullough.
Davidson.	McDougald.
Dean.	Merritt.
Devall.	Metcalf.
Dunlap.	Mitcham.
Dunagan.	Moore.
Duvall.	Morrison.
Dwyer.	Morse.
Engelhard.	Munson.
Fain.	Nicholson.
Few.	Parkhouse.
Ford.	Patterson.
Fuchs.	Pavlica.
Glass.	Pope.
Good.	Ramsey.
Goodman.	Ratliff.
Graves.	Ray.
Greathouse.	Reader.
Griffith.	Reed of Dallas.
Haag.	Renfro.
Hankamer.	Riddle.
Harman.	Roberts.
Harrison.	Rogers of Hunt.
Hartzog.	Ross.
Head.	Savage.
Hester.	Scarborough.
Hicks.	Scott.
Hill of Brazoria.	Shannon.
Hill of Webb.	Shults.
Holekamp.	Smith.
Holland.	Stanfield.
Holloway.	Steward.
Hoskins.	Sullivant.
Huddleston.	Tarwater.
Hughes.	Tennyson.
Hunt.	Thomas.
Hyder.	Tillery.
James.	Turlington.
Jefferson.	Van Zandt.
Jones of Atascosa.	Vaughan.
Jones of Runnels.	Wagstaff.
Jones of Shelby.	Walker.
Kayton.	Wells.
Kyle of Palo Pinto.	West.
Laird.	Wood.
Latham.	Young.

Nays—10

Adamson.	Palmer.
Coombes.	Puryear.
Fisher.	Reed of Bowie.
Golson.	Rollins.
Kyle of Hays.	Stovall.

Absent

Bourne.	Butler.
Bradley.	Calvert.

Caven.	McKee.
Harris.	Rogers
Hodges.	of Ochiltree.
Jackson.	Stinson.
Johnson	Townsend.
of Anderson.	Weinert.
McGregor.	Winningham.

Absent—Excused

Anderson	Moffett.
of Bexar.	Russell.
Johnson of Dimmit.	

The Speaker then laid the bill before the House; it was read first time, and referred to the appropriate committee, as follows:

By Mr. Moore, Mr. Morse, Mr. Mathis, and Mr. Holland:

H. B. No. 875, A bill to be entitled "An Act to be known as Articles 1656-a and 1656-b, applying to counties having a population of 350,000 or more, according to the last preceding or any future Federal Census, prescribing the authority of the county auditor with reference to the system, forms, and reports to be used in connection with the receipt and disbursement of all county revenues, funds, fees, and monies received and disbursed by county and precinct officers belonging to the county, its subdivisions, and precincts, including monies collected and disbursed by, or on hand with, such officers for the benefit of individuals, firms, or corporations; prescribing the time, mode, and manner of making monthly, annual, or other reports to the auditor; authorizing the auditor to verify the cash on hand in support of all official reports of such officers relating to such receipts, disbursements, and balances; requiring the approval of the judge of the court in which such funds were deposited on all disbursements of such trust funds and requiring the countersignature of the county auditor on all checks issued, etc., and declaring an emergency."

Referred to Committee on Judiciary.

RECESS

Mr. Daniel moved that the House adjourn until 2 o'clock p. m., today.

Mr. Harris moved that the House recess to 2 o'clock p. m., today.

The motion of Mr. Harris prevailed, and the House, accordingly, at 12 o'clock m., took recess to 2 o'clock p. m., today.

AFTERNOON SESSION

The House met at 2 o'clock p. m., and was called to order by the Speaker.

HOUSE BILL NO. 213 ON PASSAGE TO ENGROSSMENT

The House resumed consideration of pending business, same being House Bill No. 213, creating a Natural Resource Commission, on its passage to engrossment; the bill having heretofore been read second time, with amendment by Mr. Vaughan, and amendment by Mr. Vaughan to the amendment, pending.

Mr. Savage offered the following substitute for the amendment to the amendment:

Substitute for amendment to the amendment to House Bill No. 213 by changing "2 cents," in line 22, page 2, to " $\frac{3}{4}$ cent"; by changing "150 pounds," in line 23, to "10 barrels"; by changing "100 barrels," in line 23, to "90 barrels"; by changing "5 cents" to "2 cents," in line 24; and by changing "25 cents" to "10 cents," in line 26, page 2.

Mr. Walker moved the previous question on the pending amendments to the amendment, and the motion was duly seconded.

Question recurring on the motion for the main question, it was lost.

On motion of Mr. Morse, the substitute amendment by Mr. Savage was tabled.

Mr. Morse moved to table the amendment to the amendment.

Yeas and nays were demanded, and the motion to table prevailed by the following vote:

Yeas—68

Alexander.	Hill of Webb.
Barron.	Holekamp.
Bourne.	Holland.
Calvert.	Holloway.
Cathey.	Hughes.
Coombes.	Hyder.
Dunlap.	James.
Dunagan.	Kayton.
Dwyer.	Kyle of Palo Pinto.
Few.	Laird.
Ford.	Latham.
Good.	Long.
Haag.	Lotief.
Harman.	Mackay.
Harris.	Mathis.
Harrison.	McClain.
Hartzog.	McCullough.

McDougald.	Renfro.
McGregor.	Riddle.
McKee.	Roberts.
Merritt.	Rollins.
Metcalfe.	Ross.
Mitcham.	Savage.
Moore.	Shannon.
Morse.	Smith.
Munson.	Steward.
Nicholson.	Stinson.
Parkhouse.	Tillery.
Patterson.	Turlington.
Puryear.	Wagstaff.
Ratliff.	Walker.
Ray.	Weinert.
Reader.	Wells.
Reed of Dallas.	Winningham.

Nays—59

Adamson.	Hill of Brazoria.
Aikin.	Hodges.
Alsup.	Huddleston.
Anderson	Hunt.
of Johnson.	Jones of Runnels.
Baker.	Jones of Shelby.
Barrett.	Kyle of Hays.
Beck.	Lemens.
Bedford.	Lindsey.
Burns.	Magee.
Butler.	Morrison.
Camp.	Palmer.
Caven.	Pavlica.
Chastain.	Pope.
Clayton.	Reed of Bowie.
Colson.	Rogers of Hunt.
Cowley.	Rogers
Daniel.	of Ochiltree.
Dean.	Scarborough.
Engelhard.	Scott.
Fain.	Shults.
Fisher.	Stanfield.
Glass.	Sullivant.
Golson.	Tarwater.
Goodman.	Thomas.
Graves.	Townsend.
Greathouse.	Van Zandt.
Griffith.	Vaughan.
Hankamer.	West.
Head.	Wood.
Hicks.	

Present—Not Voting

Crossley.

Absent

Bradley.	Jefferson.
Canon.	Johnson
Davidson.	of Anderson.
Devall.	Jones of Atascosa.
Duvall.	Leonard.
Fuchs.	Ramsey.
Hester.	Stovall.
Hoskins.	Tennyson.
Jackson.	Young.

Absent—Excused

Anderson Moffett.
of Bexar. Russell.
Johnson of Dimmit.

Mr. Van Zandt offered the following amendment to the amendment:

Amend the amendment to House Bill No. 213 by striking out the words and figures "one hundred and fifty (150)," in Section 2 thereof, and substituting in lieu thereof the word and figures "seventy-five (75)," and by striking out the words and figures "one hundred (100)," wherever it appears in such Section, and substitute in lieu thereof the word and figures "seventy-five (75)," and by changing the word "twenty-five" in said Section, and substituting in lieu thereof the word "ten."

Mr. Morse moved to table the amendment by Mr. Van Zandt, and the motion to table was lost.

Question recurring on the amendment by Mr. Van Zandt, yeas and nays were demanded.

The amendment was lost by the following vote:

Yeas—61

Adamson.	Hughes.
Alsup.	Hunt.
Anderson	Jones of Runnels.
of Johnson.	Jones of Shelby.
Baker.	Kyle of Hays.
Barrett.	Laird.
Beck.	Lemens.
Bedford.	Lindsey.
Bourne.	Mackay.
Burns.	Magee.
Camp.	McKee.
Caven.	Metcalfe.
Chastain.	Morrison.
Colson.	Palmer.
Coombes.	Puryear.
Cowley.	Reed of Bowie.
Crossley.	Rogers of Hunt.
Daniel.	Rogers
Dean.	of Ochiltree.
Devall.	Rollins.
Duvall.	Scarborough.
Engelhard.	Scott.
Fain.	Shults.
Fisher.	Stanfield.
Golson.	Stovall.
Goodman.	Sullivant.
Graves.	Tarwater.
Greathouse.	Thomas.
Griffith.	Van Zandt.
Hicks.	Vaughan.
Hodges.	Young.
Holland.	

Nays—65

Aikin.	McGregor.
Alexander.	Merritt.
Barron.	Mitcham.
Butler.	Moore.
Cathey.	Morse.
Clayton.	Munson.
Davidson.	Nicholson.
Dunlap.	Parkhouse.
Dunagan.	Patterson.
Dwyer.	Pavlica.
Ford.	Pope.
Glass.	Ramsey.
Haag.	Ratliff.
Hankamer.	Ray.
Harris.	Reed of Dallas.
Hartzog.	Renfro.
Hill of Brazoria.	Roberts.
Hill of Webb.	Ross.
Holekamp.	Savage.
Holloway.	Shannon.
Hoskins.	Smith.
Huddleston.	Steward.
Hyder.	Stinson.
James.	Tennyson.
Jones of Atascosa.	Turlington.
Kayton.	Wagstaff.
Latham.	Walker.
Long.	Weinert.
Lotief.	Wells.
Mathis.	West.
McClain.	Winningham.
McCullough.	Wood.
McDougald.	

Absent

Bradley.	Jefferson.
Calvert.	Johnson
Canon.	of Anderson.
Few.	Kyle of Palo Pinto.
Fuchs.	Leonard.
Good.	Reader.
Harrison.	Riddle.
Head.	Tillery.
Hester.	Townsend.
Jackson.	

Absent—Excused

Anderson	Johnson
of Bexar.	of Dimmit.
Harman.	Moffett.
	Russell.

Mr. McKee offered the following amendment to the amendment:

Amend the amendment to House Bill No. 213 by striking out, in Section 2, the following:

"On all oil produced in the excess of the last-mentioned quantity production of 100 barrels, he shall pay, per barrel per day, the sum of twenty-five cents," and insert in lieu thereof the following:

"On all oil produced in excess of the last-mentioned quantity production of

100 barrels, he shall pay, per barrel per day, the sum of ten cents."

The amendment was lost.

Mr. Van Zandt offered the following amendment to the amendment:

Amend the amendment to House Bill No. 213 by inserting after the word "barrels," the words, "or any part thereof," in Section 2, line 15.

The amendment was adopted.

Mr. Hartzog offered the following amendment to the amendment:

Amend the pending amendment to House Bill No. 213 by adding, after the word "cents," in Section 2, line 27, the following:

"Provided, however, that on all wells producing ten barrels or less, per day, the tax herein imposed shall be one cent per barrel."

HARTZOG,
BARRON,
SHANNON,
CAMP.

The amendment was adopted.

Mr. Lindsey offered the following amendment to the amendment:

Amend the amendment to House Bill No. 213 by adding a new Section, to be numbered as Section 13-a, to read as follows:

"Section 13-a. The provisions of this bill shall be carried into the Criminal Code and become a part of the criminal laws of this State."

On motion of Mr. McGregor, the amendment was tabled.

Mr. Stinson offered the following amendment to the amendment:

Amend the amendment to House Bill No. 213, Section 2, page 2, line 22, by inserting after the words "two cents per barrel per day," the words "per well."

The amendment was adopted.

Mr. Hartzog offered the following amendment to the amendment:

Amend Vaughan and McGregor amendment to House Bill No. 213 by striking out the words and figures "twenty-five cents" where they appear on page 2, line 26, and insert in lieu thereof the words and figures "fifteen (15) cents."

HARTZOG,
BARRON,
WAGSTAFF.

Mr. Puryear offered the following substitute for the amendment by Mr. Hartzog:

Amend McGregor amendment, Section 2, line 18, by striking out the words "twenty-five cents," and substitute the words "twenty cents."

The substitute amendment was adopted.

The amendment as substituted was then adopted.

Mr. Morse moved the previous question on the pending amendments and the bill, and the motion was duly seconded.

Question recurring on the motion for the main question, it was lost.

Mr. Pope offered the following amendment to the amendment:

Amend Vaughan and McGregor amendment by adding, after Section 6, a new Section, to be known as Section 6-a, to read as follows:

"Section 6-a. It shall be unlawful for any person owning, leasing, operating, or controlling any oil property within the State of Texas to wilfully permit the oil or gas so produced to pass beyond the possession or control of such person into the possession or control of any other person without first accurately measuring the amount of such oil or such gas, and making and preserving an accurate record thereof. It shall also be unlawful for any person to use any method or device to evade such accurate measurement. Upon conviction for violation of any provision hereof, such person shall be deemed guilty of a felony and, upon such conviction, shall be punished by confinement in the State penitentiary for a term of not less than two nor more than four years."

The amendment was adopted.

Mr. Golson offered the following amendment to the amendment:

Amend the amendment to House Bill No. 213 by inserting the words "or operating therein" after the word "State," in line 1, Section 5.

The amendment was adopted.

Mr. Pope offered the following amendment to the amendment:

Amend Vaughan-McGregor amendment to House Bill No. 213 by adding, at the end of Section 2 thereof, the following: "Provided, that the Commission shall not have authority to require separate meters to be placed on each well belonging to a common ownership, emptying into a common reservoir, for estimating the flow of such wells under joint ownership; and provided further, that in

estimating and calculating the tax per barrel per day, the Commission shall apportion the total flow into such common reservoir among the number of wells proportionately, having such joint or common ownership emptying into such common reservoirs; and provided further, that the tax calculation shall be based upon the estimated flow of each separate well, whether having joint or separate ownership."

The amendment was adopted.

Question recurring on the amendment as amended, yeas and nays were demanded.

The amendment was adopted by the following vote:

Yeas—105

Adamson.	Huddleston.
Alexander.	Hughes.
Alsup.	James.
Anderson	Jones of Atascosa.
of Johnson.	Jones of Runnels.
Baker.	Jones of Shelby.
Barrett.	Kayton.
Barron.	Kyle of Hays.
Beck.	Kyle of Palo Pinto.
Bedford.	Latham.
Burns.	Lemens.
Butler.	Leonard.
Calvert.	Long.
Camp.	Mackay.
Cathey.	Magee.
Caven.	Mathis.
Chastain.	McClain.
Clayton.	McCullough.
Crossley.	McGregor.
Daniel.	McKee.
Davidson.	Mitcham.
Dean.	Morrison.
Devall.	Munson.
Dunagan.	Palmer.
Dwyer.	Pavlica.
Engelhard.	Pope.
Fain.	Puryear.
Few.	Ratliff.
Fisher.	Ray.
Fuchs.	Reed of Bowie.
Glass.	Reed of Dallas.
Golson.	Renfro.
Good.	Riddle.
Goodman.	Rogers of Hunt.
Graves.	Rogers
Greathouse.	of Ochiltree.
Griffith.	Rollins.
Hankamer.	Scarborough.
Harman.	Scott.
Harris.	Shannon.
Hartzog.	Shults.
Head.	Smith.
Hodges.	Stanfield.
Holekamp.	Steward.
Holloway.	Stinson.

Stovall.
Sullivant.
Tarwater.
Tennyson.
Thomas.
Tillery.
Townsend.
Turlington.
Van Zandt.

Vaughan.
Wagstaff.
Walker.
Weinert.
West.
Winningham.
Wood.
Young.

Nays—20

Aikin.	Hyder.
Bourne.	Lotief.
Cowley.	McDougald.
Dunlap.	Metcalfe.
Ford.	Moore.
Haag.	Morse.
Harrison.	Nicholson.
Hicks.	Patterson.
Hill of Webb.	Roberts.
Hunt.	Ross.

Absent

Bradley.	Johnson
Canon.	of Anderson.
Colson.	Laird.
Coombes.	Lindsey.
Duvall.	Merritt.
Hester.	Parkhouse.
Hill of Brazoria.	Ramsey.
Holland.	Reader.
Hoskins.	Savage.
Jackson.	Wells.
Jefferson.	

Absent—Excused

Anderson	Moffett.
of Bexar.	Russell.
Johnson of Dimmit.	

Mr. McGregor moved to reconsider the vote by which the amendment was adopted, and to table the motion to reconsider.

The motion to table prevailed.

Mr. Burns offered the following amendment to the bill:

Amend House Bill No. 213, page 5, by adding a new Section after Section 13, to be numbered 13-a:

"Section 13-a. Provided, however, that from and after the passage of this Act, the production of oil or crude petroleum; the transportation of oil or crude petroleum; the refining of oil or crude petroleum; and/or the retail selling of the refined products of oil or crude petroleum, shall each and every be, and become, a business, separate, distinct, and apart from each and every other of such businesses so hereinbefore enumerated; and

"Provided further, that it shall hereafter be unlawful for any person, firm, corporation, association, individual, or group of individuals to own, manage, operate, control, or hold stock ownership in any company, firm, partnership, corporation, or association which shall be engaged in the conduct of more than one of such businesses so above enumerated.

"The violation of any of the provisions of this Section shall constitute a felony and shall be punishable by a fine of not more than one thousand dollars (\$1,000), and confinement in the State Penitentiary for not more than one year; and provided that each day's violation of the provisions hereof shall constitute a separate offense."

BURNS,
DANIEL.

Mr. Wagstaff raised a point of order on further consideration of the amendment, on the ground that the amendment is not germane to the bill.

The Speaker sustained the point of order.

Mr. Bedford offered the following amendment to the bill:

Amend House Bill No. 213 by striking out Sections 1 to 16, both inclusive, and Section 17, and renumber Section 16-a to Section 1.

BEDFORD,
HANKAMER,
SCARBOROUGH,
CAMP.

Mr. Latham raised a point of order on further consideration of the amendment, on the ground that the amendment is not germane, and proposes to defeat the purpose of the bill.

The Speaker sustained the point of order.

SENATE BILL AND JOINT RESOLUTIONS ON FIRST READING

The following Senate bill and joint resolutions, received from the Senate today, were laid before the House, read severally first time, and referred to the appropriate committees, as follows:

Senate Bill No. 191, to the Committee on Education.

Senate Joint Resolutions Nos. 13 and 21, to the Committee on Constitutional Amendments.

HOUSE BILL ON FIRST READING

The following House bill, introduced today, by unanimous consent, was laid before the House, read first time, and referred to the appropriate committee, as follows:

By Mr. Harman:

H. B. No. 876, A bill to be entitled "An Act appropriating the sum of \$1,127.10 to pay the balance due by the State of Texas as its share of court costs in the case of the State of New Mexico vs. The State of Texas, No. 2, Original, October Term, 1930, Supreme Court of the United States, being a suit locating and marking upon the ground the boundary line between the State of Texas and the State of New Mexico; and declaring an emergency."

Referred to Committee on Appropriations.

MESSAGE FROM THE SENATE

Senate Chamber,
Austin, Texas, April 4, 1933.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has passed

S. J. R. No. 21, Proposing an amendment to Section 1, of Article IX, of the Constitution of the State of Texas.

Providing that the Legislature may, by two-thirds vote, create new counties and change the boundaries of existing counties; providing that no county shall be created with less than an area of 900 square miles, nor shall any existing county be reduced to less than 900 square miles, unless such county shall contain a population of more than 50,000, according to the last United States Census; providing for the submission of such amendment, proclamation, and publication thereof, and making an appropriation of five thousand dollars (\$5,000), or so much as may be necessary, to pay the expenses of such election. (With engrossed rider.)

S. B. No. 191, A bill to be entitled "An Act authorizing school trustees to issue interest-bearing warrants in payment of salaries of employees; specifying that the rate of interest shall not exceed 6 per cent per annum; limiting the amount of warrants to be issued; providing for

official notice of the issuance of such warrants, and for official notice when these warrants can be cashed; giving such warrants preference over ones issued for purposes other than payment of salaries, and declaring an emergency." (With engrossed rider.)

S. J. R. No. 13, Proposing an amendment to Section 3, of Article VIII, of the Constitution of the State of Texas, and providing for the levying and collection of taxes by general laws, and fixing the total amount of revenue which may be collected during each biennium, and the total amount of funds which may be expended during each biennium; provided, that restrictions herein contained as to amounts of taxes to be levied may be suspended in case of grave emergencies; and providing for an election upon such proposed constitutional amendment, and making an appropriation therefor. (With engrossed rider.)

Respectfully,

BOB BARKER,
Secretary of the Senate.

BILLS ORDERED NOT PRINTED

On motion of Mr. Morse, by unanimous consent of the House, House Bill No. 875 was ordered not printed.

On motion of Mr. West, by unanimous consent of the House, House Bill No. 873 was ordered not printed.

RECESS

Mr. Calvert moved that the House adjourn until 9 o'clock a. m., tomorrow.

Mr. Parkhouse moved that the House adjourn until 9:30 o'clock a. m., tomorrow.

Mr. Mathis moved that the House recess to 9:30 o'clock a. m., tomorrow.

The motion of Mr. Mathis prevailed, and the House, accordingly, at 5:30 o'clock p. m., took recess to 9:30 o'clock a. m., tomorrow.

APPENDIX

STANDING COMMITTEE REPORTS

The following committees have filed favorable reports on bills and resolutions, as follows:

Agriculture: House Bill No. 603.

Banks and Banking: Senate Bill No. 474.

Conservation and Reclamation: House Bill No. 873.

State Affairs: House Concurrent Resolutions Nos. 48, 51; Senate Bills Nos. 76 and 88; House Bill No. 832, and Senate Concurrent Resolution No. 21.

Game and Fisheries: House Bills Nos. 547, 561, and 796.

The Committee on Common Carriers filed adverse reports, with minority favorable reports, on House Bills Nos. 743 and 410.

REPORT OF THE COMMITTEE ON ENGROSSED BILLS

Committee Room,
Austin, Texas, March 31, 1933.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 167, A bill to be entitled "An Act making appropriations for the support and maintenance of the State Government, for the two-year period, beginning September 1, 1933, and ending August 31, 1935, and for the purposes, and prescribing certain regulations and restrictions in respect thereto, and declaring an emergency,"

Has carefully compared same, and finds it correctly engrossed.

HARRISON, Chairman.

FORTY-SIXTH DAY

(Continued)

(Wednesday, April 5, 1933)

The House met at 9:30 o'clock a. m., and was called to order by Speaker Stevenson.

MESSAGE FROM THE SENATE

Senate Chamber,
Austin, Texas, April 4, 1933.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has passed

H. B. No. 557, A bill to be entitled "An Act providing for a closed season on quail in Archer County, and prescribing a penalty for violation thereof."